

**LOCAL ADMINISTRATIVE RULES
OF PRACTICE
FOR THE COURTS
OF THE 4TH JUDICIAL CIRCUIT
CLARK COUNTY, INDIANA**

Effective January 1, 2007

**ORDER ADOPTING LOCAL ADMINISTRATIVE
RULES OF PRACTICE
FOR THE COURTS OF THE 4TH JUDICIAL CIRCUIT
CLARK COUNTY, INDIANA**

**PURSUANT TO TRIAL RULE 81 OF THE INDIANA RULES OF TRIAL
PROCEDURE, IT IS HEREBY ORDERED THAT THE FOLLOWING LOCAL
ADMINISTRATIVE RULES OF PRACTICE IN THE COURTS OF THE 4TH
JUDICIAL CIRCUIT, CLARK COUNTY, INDIANA NUMBERED ONE (1) TO
TWENTY-TWO (22) ARE HEREBY ADOPTED EFFECTIVE JANUARY 1, 2007.**

SO ORDERED THIS 15th DAY OF AUGUST, 2006.

**DANIEL F. DONAHUE, JUDGE
CLARK CIRCUIT COURT**

**JEROME F. JACOBI, JUDGE
CLARK SUPERIOR COURT NO. 1**

**CECILE A. BLAU, JUDGE
CLARK SUPERIOR COURT NO. 2**

**STEVEN M. FLEECE, JUDGE
CLARK SUPERIOR COURT NO. 3**

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RULE 1

[LR10-AR00-1]

APPLICABILITY OF RULES

A. Scope. The following Administrative Rules of Practice shall apply to cases filed in the Circuit and Superior Courts of Clark County, Indiana, but the Rules shall not apply to criminal cases or cases on the Small Claims Docket unless otherwise indicated.

B. Effective Date. These Rules shall be effective January 1, 2007, and shall supersede the rules currently applied in the Courts.

C. Citation. These Rules may be cited as Local Administrative Rule __ [LR10-AR00-__].

D. Purpose. These Rules are promulgated pursuant to Trial Rule 81 of the Indiana Rules of Trial Procedure and the Second Amended Schedule for All Local Court Rules issued by the Indiana Supreme Court Division of State Court Administration

RULE 2

[LR10-AD3-2]

ADMISSION TO PRACTICE

A. Generally. No attorney shall be permitted to practice before a Court as an attorney, except on his own behalf when a party, unless he is a member in good standing of the Bar of the Supreme Court of Indiana.

B. Foreign Attorneys. An attorney who is a member in good standing of the bar of the highest court of another state may appear, in the trial court's sole discretion, as an attorney in the Court of a particular proceeding so long as the foreign attorney appears with a member of the Bar of the Supreme Court of Indiana after petitioning the trial court for the courtesy and disclosing in the petition all pending cases in Indiana in which the foreign attorney has been permitted to appear and otherwise comply with Rule 3 of the Indiana Rules for Admission to the Bar and the Discipline of Attorneys.

C. Responsibility of Indiana Counsel. Indiana counsel shall sign and be jointly responsible for the contents of all pleadings, motions, briefs, and papers filed in the proceeding, and shall also appear in person with the attorney at each stage of the proceeding.

RULE 3
[LR10-TR3-3]

APPEARANCE AND WITHDRAWAL OF APPEARANCE

A. Initial Appearance. An attorney entering an appearance for any party shall file a written appearance in compliance with Trial Rule 3.1 of the Indiana Rules of Trial Procedure.

B. Temporary Appearance. An attorney who temporarily appears on behalf of another attorney for any purpose shall file an appearance form in compliance with Trial Rule 3.1(H) of the Indiana Rules of Trial Procedure.

C. Withdrawal of Appearance. Except for appearances in estates, guardianships, or criminal matters, an attorney desiring to withdraw an appearance in any other proceeding shall file a written motion requesting leave to withdraw accompanied by a notice of hearing or proof satisfactory to the Court that a notice has been given to the client and all other parties of record at least ten (10) days in advance of the withdrawal date. The actual withdrawal date shall be set forth in the written notice.

D. Withdrawal in Estate, Guardianship, or Criminal Cases. An attorney who desires to withdraw his appearance in an estate, guardianship, or criminal case shall file a written notice requesting leave to withdraw accompanied by a notice of hearing which shall be served upon the personal representative, guardian, or criminal defendant

directing the person to appear at the hearing. Proof of the notice shall be submitted to the Court at the time of the hearing.

E. Waiver of Rule. A motion for leave to withdraw an appearance accompanied by a written appearance of successor counsel shall constitute a waiver of the requirements of this rule. Except for appearances in estate, guardianship, or criminal cases, a motion to withdraw appearance accompanied by the written consent of the client shall also constitute a waiver of the requirements of this rule.

RULE 4
[LR10-AR00-4]

DUTY OF ATTORNEYS TO PREPARE ENTRIES

A. Preparation of Entry. When opposing counsel has appeared in a proceeding, the attorney who has agreed to prepare an entry as requested by the Court shall place on the last page of the entry appropriate signature lines indicating “prepared by” and “reviewed by” and shall submit the entry to opposing counsel for examination. Opposing counsel shall promptly examine the entry when submitted, shall sign the entry, and shall submit the entry to the Court within five (5) days of receiving the entry. If opposing counsel does not agree with the entry, counsel shall advise the Court and request a conference, telephonic or otherwise.

B. Failure to Submit Entry. If opposing counsel shall fail or refuse to sign the entry without advising the Court as to any objections to the entry, the preparing attorney shall submit the entry to the Court advising by letter of opposing counsel’s failure or refusal and the Court shall accept the entry without opposing counsel’s signature.

C. Failure to Prepare Entry. If an attorney agrees to prepare an entry and then fails to do so within fifteen (15) working days of the Court’s request, opposing counsel may prepare the entry and submit the entry to the Court advising the Court by letter of the efforts made to gain preparation of the entry by opposing counsel. Failure of counsel to prepare an entry as agreed may subject counsel to sanctions including the assessment of reasonable attorney fees for the attorney who prepared the entry.

RULE 5
[LR10-AR00-5]

PAYMENT OF FEES

A. Initial Fees. All fees associated with the filing of a case shall be prepaid into the Office of the Clerk of the Court when the case is filed.

B. Transfer Fees. All fees and costs associated with the transfer of a case to another county or transfer of a case from the small claims docket to the civil plenary docket shall be paid within twenty (20) days of the order directing transfer. The failure to pay the fees and costs shall result in the rescinding of the order directing transfer and jurisdiction shall remain with the originating court.

RULE 6
[LR10-TR5-6]

PROOF OF SERVICE

A. Requirements of Trial Rule 5. Proof of service of pleadings or papers required to be served by Trial Rule 5 of the Indiana Rules of Trial Procedure may be made either by:

[1] a certificate of service signed by an attorney of record which certificate shall identify by name and address the person or persons to whom service is directed; or

[2] an acknowledgment of service signed by the party served or the attorney of record if such party is represented by an attorney.

B. Service of Process. Except for proof of service of process which may appear on computerized records, court personnel shall not be required to review court files to determine if a party has acquired service of process.

RULE 7
[LR10-AR00-7]

FORM AND STYLE OF PLEADINGS
FILING OF PLEADINGS

A. Signature Required. Any pleading, motion, brief or paper not signed by an attorney admitted to practice pursuant to Local Administrative Rule 2 shall not be accepted for filing, or, if inadvertently accepted for filing, shall upon discovery be stricken from the record by the Court upon its own motion and by an appropriate minute placed on the Chronological Case Summary.

B. Paper Size. All pleadings, motions, entries, orders, judgments and other papers shall be filed on letter size [8 1/2 x 11] paper.

C. Flat Filing. The files of the Clerk of the Court shall be kept under the flat filing system. All pleadings presented for filing with the Clerk shall be flat and unfolded.

D. Certificates of Service. All certificates of service shall identify by name and address the person or persons to whom service is directed.

E. Identification. Every pleading, motion, brief, and paper shall clearly identify the name, office address, telephone number, and Indiana Supreme Court Attorney Number of the individual attorney or attorneys filing same.

F. Uniform Pleading Header. Every pleading shall have a header in the following style:

IN THE _____ COURT FOR CLARK COUNTY
STATE OF INDIANA

F. Description of Case. The word “Case” shall be used in presenting the number assigned to the action, such as Case # 10CO1-2007-CP-0001.

G. Use of Paralegal. All pleadings, motions, briefs and papers may be filed by the attorney’s secretary or paralegal.

I. Orders and Entries. Except as required by Local Administrative Rule 4, all proposed orders and entries shall reflect the name of the preparer under the indication “tendered by”, shall be submitted in sufficient number for each person entitled to service, and shall contain a distribution list identifying by name and address each person entitled to service.

In the case of a final hearing held by the Magistrate, the final order or judgment prepared by an attorney shall contain the following signature blocks:

Recommended By: _____
Magistrate Kenneth R. Abbott

Approved By: _____
Judge (Name of Judge)
(Name of Court)

J. Scheduling Orders. Proposed orders accompanying motions for the scheduling of matters for hearing, pre-trial conference and trial shall contain adequate space for the insertion of a time and date for the primary setting of the matter and a secondary setting, if desired.

K. Use of Special Judge. If a case has a special judge, such fact shall be indicated by the words SPECIAL JUDGE (NAME) placed directly beneath the case number. Unless otherwise directed by a special judge, after qualification by the special judge, a copy of each document filed thereafter in the proceeding shall be served on the special judge at his private office or at the Court where the special judge regularly presides and the proof of service shall reflect such service.

RULE 8
[LR10-AR00-8]

ALLOCATION OF CASES

A. Applicability. This rule shall apply only to those cases filed in the Circuit and Superior Courts in Clark County, Indiana. This Rule shall not apply to misdemeanor cases filed in the Jeffersonville City Court, the Charlestown City Court, the Clarksville Town Court, or the Sellersburg Town Court.

B. Major Felony Cases. Except as otherwise specifically provided for, all cases which include Murder, Class A Felony, Class B Felony, or Class C Felony offenses as the most serious charged shall be assigned as follows:

[a] Cases alleging the most serious offense was committed during the months of January, March, May, July, September, or November shall be assigned to the Judge of Superior Court No. 1;

[b] All other cases shall be assigned to the Judge of the Circuit Court.

C. Misdemeanor and Class D Felony Cases. Except as otherwise specifically provided, all cases having a misdemeanor or Class D Felony as the most serious charge shall be assigned to the Judge of Superior Court No. 3.

D. Traffic-Related Cases. All cases which include a felony charge relating to traffic or motor vehicles, under Title 9 of the Indiana Code or Indiana Code 35-42-1 (Homicide) shall be assigned to the Judge of Superior Court No. 3.

E. Controlled Substances Cases. All Class A, Class B, and Class C felony cases which include a felony charge related to Controlled Substances under Indiana Code 35-48

or Legend Drugs under Indiana Code 16-42 shall be assigned to the Judge of Superior Court No. 2.

All new Class D or multiple Class D Felony cases in which the defendant therein previously appeared in Superior Court No. 2 shall be assigned to the Judge of Superior Court No. 2. All new Class D or multiple Class D Felony cases which include driving offenses shall be assigned to the Judge of Superior Court No. 3. All other new Class D or multiple Class D Felony cases shall be assigned to the Judge of the Circuit Court.

F. Juvenile Criminal Cases. All cases which include a misdemeanor or felony charge relating to traffic or motor vehicles, under Title 9 of the Indiana Code or Indiana Code 35-42-1 (Homicide), against a defendant alleged to be under the age of eighteen (18) years at the time of the commission of the offense, shall be assigned to the Judge of Superior Court No. 3. All other cases which include a felony or misdemeanor charge against a defendant alleged to be under the age of eighteen (18) at the time of the commission of the offense, shall be assigned to the Judge of Superior Court No. 1, except for Controlled Substance cases which will be assigned pursuant to Section E.

All cases which include a charge of Contributing to the Delinquency under Indiana Code 35-46-1-8 or Violation of Compulsory School Attendance under Indiana Code 20-8.1-3 shall be assigned to the Judge of Superior Court No. 1.

G. Attempt, Conspiracy, and Aiding Cases. For purposes of this Rule , when a case includes a charge of Attempt under Indiana Code 35-41-5-1, Conspiracy under Indiana Code 35-41-5-1, or Aiding under Indiana Code 35-41-2-4, proper assignment of the case shall be determined by reference to the substantive offense underlying each charge.

H. Re-filing of Dismissed Cases. In the event a criminal case is dismissed, and thereafter, the same or similar case is filed against the same defendant(s) base upon the same transaction, the case shall be assigned to the judge who entered the Order of Dismissal on the earlier case.

I. Juvenile Paternity Cases. All Juvenile Paternity Cases shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.

J. Other Juvenile Cases. All Juvenile CHINS cases, Juvenile Status cases, Juvenile Termination of Parental Rights cases, and Juvenile Miscellaneous cases shall be assigned to the Judge of Superior Court No. 1.

K. Mortgage Foreclosure and Civil Collection Cases. Mortgage Foreclosure cases shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.

Civil Collection cases seeking to recover ten thousand dollars (\$10,000.00) or less shall be filed in Superior Court No. 3. Civil Collection cases seeking to recover amounts in excess of ten thousand dollars (\$10,000.00) shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.

L. Civil Tort and Civil Plenary Cases. Civil Tort and Civil Plenary cases shall be assigned on an equal basis to the Judge of the Circuit Court, the Judge of Superior Court No. 1, and the Judge of Superior Court No. 2.

M. Small Claims Cases. All Small Claims cases shall be assigned to the Judge of Superior Court No. 3.

N. Mental Health Cases. All Mental Health cases shall be assigned to the Judge of the Circuit Court.

O. Domestic Relations Cases. Domestic Relations cases shall be assigned on an equal basis to the Judge of the Circuit Court, the Judge of Superior Court No.1, and the Judge of Superior Court No. 2.

P. Reciprocal Support Cases. All Reciprocal Support cases shall be assigned to the Judge of the Circuit Court.

Q. Protective Order Cases. All Protective Order cases shall be assigned to the Judge of Superior Court No. 2 unless the Protective Order request is associated with a Dissolution of Marriage case filed in another court. In such instance, the Protective Order request shall be assigned to that court.

R. Guardianship and Estate Cases. All Guardianship cases and all Estate cases (supervised and unsupervised) shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.

S. Trust Cases. All Trust cases shall be assigned to the Judge of the Circuit Court.

T. Reassignment of Cases. If a case reassignment becomes necessary for any reason, including the granting of an application for change of judge, the Judge of the Circuit Court shall be reassigned all such cases from the Judge of Superior Court No. 1 and the Judge of Superior Court No. 3, and the Judge of Superior Court No. 1 shall be reassigned all cases from the Judge of the Circuit Court and the Judge of Superior Court No. 2.

U. Objections to Case Assignments. Any objection by a Judge based upon an

improper assignment of a case under this Rule shall be made no later than ten (10) days from the date of the entry of the assignment on the Chronological Case Summary. Failure to raise a timely objection shall constitute a waiver.

V. Error in Case Assignments. Any error in the assignment of a criminal case shall not constitute grounds for an appeal or post-conviction relief unless actual bias or prejudice of the judge hearing the case is demonstrated

RULE 9
[LR10-AR00-9]

PRE-TRIAL CONFERENCES
ASSIGNMENT OF CASES FOR TRIAL

A. Court Calendar. A calendar of cases assigned for bench trial or jury trial shall be kept by the Court and the Court Reporter shall enter on the calendar at the direction of the Court, the style, case number, and the time and date the trial is assigned to begin.

B. Required Pre-Trial Conference. No case shall be assigned for jury trial without the Court having conducted a pre-trial conference and any party or attorney of record desirous of acquiring a jury trial shall first file a motion requesting a pre-trial conference accompanied by a proposed order.

C. Other Pre-Trial Conferences. The Court, in its discretion, may require a pre-trial conference on certain cases to be heard at bench trial and the Court shall, sua sponte, set such cases for conference. Any party or attorney of record desirous of having a pre-trial conference for such cases may file a motion requesting same accompanied by a proposed order.

D. Attendance at Pre-trial Conference. At least one attorney for each party who is a member of the Indiana Bar and who will participate in the trial shall appear at the pre-trial conference. If a law firm is representing a party, a member of the firm may appear at the pre-trial conference in lieu of the attorney who will participate in the trial. An attorney who fails to attend a pre-trial conference shall be bound by the trial date set by the Court as well as such other matters contained in the Court's Pre-Trial Order.

E. Requests for Bench Trial. The assignment of a case for a bench trial may be accomplished by a motion duly filed and accompanied by a proposed order. The motion shall reflect an estimate of the time required.

F. Trial Assignments. The Court may assign a case for jury trial on a primary or secondary basis. Ten (10) days prior to the scheduled trial date, an attorney whose case has been assigned for trial on a primary basis may file a Certificate of Readiness indicating the intention or proceeding to trial as scheduled. The failure to file such Certificate may result in the forfeiture of the primary trial date if an attorney whose case has been assigned on a secondary basis files a Certificate of Readiness. In such a circumstance, the case assigned on a secondary basis shall be heard.

G. Certificate of Readiness. If filed, the Certificate of Readiness shall be served on all parties in a case and shall contain a certificate of service. The Certificate shall state:

- [1] the case is at issue;
- [2] discovery has been completed or will be completed by the scheduled date; and
- [3] opposing counsel was advised of the party's intention to file the Certificate five (5) days prior to its filing.

H. Criminal Trials. Criminal trial settings shall take precedence over civil trial settings.

I. Status of Proceedings. Each attorney appearing of record and each party to a proceeding shall at all times keep themselves informed of the status of the proceeding and shall be particularly bound by hearing dates orally set by the Court from the bench in their presence.

RULE 10
[LR10-AR00-10]

MOTIONS

A. Generally. Except for motions made during the course of a recorded proceeding, all motions shall be in writing.

B. Proposed Orders Required. Proposed orders shall accompany motions or applications in the following matters:

- [1] to enlarge or shorten time
- [2] for setting of conference, hearing or trial
- [3] for continuance
- [4] for default judgment
- [5] to compel discovery
- [6] to withdraw appearance
- [7] of dismissal
- [8] for change of venue
- [9] for restraining order, temporary injunction
- [10] for summary judgment
- [11] for such other orders, judgments or decrees as the Court may direct.

C. Hearing Required. Except for motions to correct error, motions for summary judgment, or other motions described in subsection F, subsection G, and subsection H of this Rule, all motions shall be set for hearing at the time of the filing of the motion and shall be accompanied by a separate document requesting a hearing and an order for the insertion of a hearing date.

D. Notice of Motion and Order. In lieu of the requirement of subsection C of this

Rule, an attorney may utilize a Notice of Motion and Order for routine matters such as a motion for continuance, motion to amend pleading, motion to shorten time, motion to add parties, motion to compel discovery, and the like. The Notice of Motion shall indicate that the Court will rule on the Motion and enter its Order beginning at 9:00 o'clock a.m. on the Monday which is not less than five (5) working days from the date of the Court's actual receipt of the Notice of Motion.

E. Motion to Correct Error. Any party may request a hearing on a Motion to Correct Error by filing a written request on a separate document at any time before the Court has ruled upon such motion. Whether or not a hearing should be held will be up to the discretion of the Court.

F. Hearing Not Required. At the time of filing, the following motions shall be summarily granted or denied unless the Court, in its discretion, determines a hearing should be scheduled on the motion and schedules a hearing:

- [1] for enlargement of time
- [2] to Reconsider the denial of a motion
- [3] for Change of Venue from the Judge/County
- [4] for Default Judgment
- [5] joint motion for continuance
- [6] Motion to Dismiss Settled
- [7] to set hearing/pre-trial conference/bench trial
- [8] for Temporary Restraining Order
- [9] to withdraw appearance except in estate, guardianship, or criminal cases.
- [10] such matters as permitted by statute or trial rule.

G. Motion Under Trial Rules 12, 24, 42, and 60. Motions seeking relief under Trial Rules 12, 24, 42, and 60 shall be accompanied by a brief and proof of service upon opposing counsel. An adverse party shall have fifteen (15) days after service of the movant's brief to file an answer brief, and the movant shall have seven (7) days after service to file a reply brief.

Upon expiration of the time provided by the briefing schedule, the proponent of the motion shall file a written request to schedule the matter for a hearing.

H. Motion for Summary Judgment. Motions for summary judgment and any supporting affidavits, exhibits and briefs shall be accompanied by proof of service upon opposing counsel. An adverse party may file a response and any opposing affidavits, exhibits and briefs, with proof of service upon opposing counsel, within thirty (30) days after service of the motion

A hearing on a Motion for Summary Judgment shall be held not less than ten (10) days after the time for the filing of a response and the proponent of the motion shall file a written request to schedule the matter for hearing accompanied by an order for the insertion of a hearing date.

Motions for Partial Summary Judgment shall be accompanied by proposed findings of fact and conclusions of law.

The provision allowing for entry of a summary judgment without a hearing after passage of thirty (30) days (where there has been no request for a hearing) must be initiated by a specific written request of the moving party. The request may take the form of a Notice of Motion and Order as set forth in Rule 9D above.

RULE 11
[LR10-AR00-11]

CONTINUANCES

A. Generally. A motion for continuance of a hearing or trial shall be accompanied by an order which shall contain adequate space for the insertion of a new time and date for re-scheduling purposes.

B. Content of Motion. A motion for continuance shall set forth the scheduled date, the reason for the continuance, the specific length of time the moving party desires the case to be delayed, and reference as to whether opposing counsel agrees or disagrees to a continuance of the scheduled hearing or trial.

C. Position of Opposing Counsel. If opposing counsel agrees to a continuance, it shall be the duty of the moving party to obtain a mutually acceptable future date if and when the motion is granted. If opposing counsel objects to a continuance, it shall be the duty of the moving party to schedule a telephone conference with the Court for the purpose of discussing the objection.

D. Timing of Motion. No continuance shall be granted at the request of a party unless a written motion for the continuance is filed not less than ten (10) days prior to the scheduled hearing or trial, unless it is made to appear by affidavit that the facts which are the basis of the motion did not then exist or were not then known by the moving party.

E. Sanctions. All delays and continuances of a case shall be at the cost of the party causing the delay or continuance, unless otherwise provided by law, and the adverse party may have such costs taxed and judgment rendered upon a motion duly made.

RULE 12
[LR10-AR00-12]

FINDINGS OF FACT

In all cases where findings of fact by the court are requested or required, counsel of record shall submit to the Court proposed findings setting forth all facts claimed to have been established and the conclusions of law thereon. Such form of findings shall also be submitted to the Court on disk with a hard copy within such time as directed and shall be in Microsoft Word, in Times New Roman font, and double-spaced with one (1) inch margins.

RULE 13
[LR10-AR00-13]

DISCOVERY

A. Use of Form Discovery. No “form” discovery shall be served upon a party unless all discovery requests on such forms are consecutively numbered and applicable to the case. The intent and purpose of this Rule is to prohibit the use of form discovery unless particularly applicable to the case or where the nature of the case or the number of parties make the use of such forms necessary and appropriate.

B. Admissions Format. Answers or objections to requests for admissions filed and served pursuant to Trial Rule 36 shall set forth in full the request for admissions being answered or objected to immediately preceding the answer or objection.

C. Motions for Discovery. The Court shall refuse to rule on any and all motions for discovery concerned with the production of documents or things, permission to enter upon land or other property for inspection and other purposes, for physical or mental examination, or to compel discovery provided in Trial Rules 26 through 37, unless moving counsel shall first advise the Court in writing that a reasonable effort has been made with opposing counsel to reach an agreement. Such written advisement to the Court shall include a history with the date, time and place and the names of all parties and attorneys with whom the effort has been attempted.

D. Limitation on Interrogatories. The number of interrogatories which may be served pursuant to Trial Rule 33 shall be limited so as to require the answering party to make no more than forty (40) answers, each sub-part of an interrogatory counting as one (1) answer. Waiver of this limitation will be granted by the Court in cases in which this limitation would work a manifest injustice or would be impractical because of the complexity of the issues in the case. Each motion requesting a waiver of this limitation

shall contain as an exhibit the interrogatories which the party proposes to serve. This limitation does not mean a limit of forty (40) interrogatories and answers for the entire case but rather to each set of interrogatories propounded.

RULE 14
[LR10-AR00-14]

PUBLICATION OF DEPOSITIONS

The seal on depositions shall be broken and the deposition deemed published upon filing with the Court. When depositions are utilized in support of, or in opposition to, a motion for summary judgment or other matters, the pleadings and/or memoranda filed in support or opposition to the motion shall make specific reference by page and line or question number to those places in the deposition which purport to demonstrate the presence or absence of a material fact.

RULE 15
[LR10-TR45-15]

SUBPOENAS

Pursuant to Trial Rule 45, the Clerk of the Court shall issue a subpoena, or a subpoena for the production of documentary evidence, signed and sealed but otherwise in blank, to a party requesting it or the party's attorney, who shall fill it in before service. An attorney admitted to practice law in this state, as an officer of the Court, may also issue and sign such a subpoena on behalf of

[a] a court in which the attorney has appeared for a party; or

[b] a court in which a deposition or production is compelled by the subpoena, if the deposition or production pertains to an action pending in a court where the attorney has appeared for a party in that case.

RULE 16
[LR10-AR00-16]

PRAECIPES/TRANSCRIPTS

A. Content. All praecipes and requests for transcripts shall be in writing and filed with the Clerk of the Court. The praecipes and requests for transcripts relating to jury trials shall not include voir dire, openings statements, and closing statements unless specifically requested.

B. Costs. The party requesting a transcript shall obtain an estimate of the cost of the transcript from the Court Reporter and shall pay a deposit equal to one-half of the estimated cost before the transcription process is undertaken. The remaining estimated cost shall be paid upon notification by the Court Reporter to the requesting party that one-half of the transcript has been completed. The actual total cost of the transcript shall be paid in full before the transcript is released to the requesting party.

RULE 17
[LR10-AR00-17]

CONTEMPT/ISSUANCE OF BODY ATTACHMENT

A. Contempt Citation. Whenever a judgment debtor fails to appear as ordered for a scheduled hearing, the judgment creditor may file a contempt citation against the debtor. The citation must be filed within thirty (30) days of the failure to appear.

B. Personal Service Required. If a judgment creditor is desirous of using a body attachment whenever a judgment debtor fails to appear as directed in a contempt citation, the contempt citation must be personally served on the debtor with proof of service presented to the Court along with the request for issuance of the body attachment.

C. Request for Body Attachment. A Request for Body Attachment must be filed within thirty (30) days from the date of the scheduled contempt hearing. The Request must reflect that the contempt citation was personally served upon the judgment debtor. The Request must also contain telephone numbers for use by the Court in notifying the judgment creditor of the debtor's appearance in custody.

D. Writs of Attachment. The judgment creditor shall submit three (3) Writs of Attachment along with the Request for Body Attachment. The Writ shall contain identifying information regarding the judgment debtor including an address and social security number or date of birth. The Writ shall also contain in capital letters the following: **SERVE DURING BUSINESS HOURS. DO NOT PLACE IN JAIL. BRING DIRECTLY TO COURT UPON SERVICE.**

A Writ shall expire one hundred and eighty (180) days after issuance and the judgment creditor, in writing, shall request the Office of the Sheriff of Clark County to withdraw the Writ from its files. In order to emphasize the expiration, the following

language shall also be placed on the writ in bold capital letters, to wit: **THIS WRIT EXPIRES 180 DAYS FROM DATE OF ISSUANCE.**

E. Procedure Following Attachment. The Court shall attempt to contact the judgment creditor by use of the telephone numbers given in the Request for Body Attachment for the purpose of advising the creditor that the debtor is in custody and before the court. If the Court is unable to contact the judgment creditor after reasonable efforts, or if the creditor is unable to appear in court within a reasonable time, the Court shall set a new hearing date from the bench and advise the debtor of the need to appear on that date. The Court shall then release the debtor and notify the creditor of the new date.

RULE 18
[LR10-AR00-18]

EX PARTE ORDERS

Ex Parte proceedings are highly disfavored. In civil cases the Court may enter orders, ex parte, for motions tendered under Local Administrative Rule 9D.

Upon motion of any party adversely affected by any ex parte proceeding not in conformity with this Rule, and after notice and opportunity to be heard, the Court may direct that the party or attorney who sought the ex parte order to pay to the adversely affected party reasonable attorney fees associated with the opposition to the ex parte order.

RULE 19
[LR10-AR00-19]

SANCTIONS

A. Court Action. When a party or counsel for a party fails to comply with any of these Local Administrative Rules, the Court, after advising counsel or the party of the noncompliance, may direct the Clerk of the Court to refuse to accept the pleadings or papers to be filed, or if inadvertently accepted for filing, direct that the pleadings or papers be stricken from the record.

B. Costs. In addition to the foregoing, the Court may order counsel or the party failing to comply with these Rules to pay reasonable expenses, including attorney fees, caused by the failure.

RULE 20
[LR10-AR00-20]

APPLICABILITY TO FAMILY LAW CASES

These Local Administrative Rules shall generally apply to Family Law cases unless the Family Law Rules provide otherwise.

RULE 21
[LR10-AR00-21]

APPLICABILITY TO PRO SE CASES

These Local Administrative Rules shall apply to all persons who appear in court without the benefit of counsel including cases where the other party appears with or without counsel.

RULE 22
[LR10-AR00-22]

APPLICABILITY OF CERTAIN RULES
IN SMALL CLAIMS CASES

The following Local Administrative Rules shall apply in Small Claims Cases:

- Rule 2 Admission to Practice
- Rule 3 Appearance of Counsel
- Rule 7 Forms and Styles of Pleadings
- Rule 10 Motions
- Rule 11 Continuances
- Rule 17 Body Attachments

